IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 929 OF 2005
IN
SUIT NO. 1084 OF 1984

Mrs.Hajiah Nusrat Khandom
Payandah and others. ... Plaintiffs

V/s.

Mohd.Hassan Hajati & ors. ... Defendants.

Mr.Pankaj Kawli i/b. Mr.C.N.Chavan
for the applicants.

Mr.Sayed Akhtar i/b. Desai and Diwanji
for the plaintiff.

Mr.Malvankar, representative of Court
Receiver present.

CORAM : A.M.KHANVILKAR, J.

DATED : 5th September, 2005.

P.C. :

. Heard counsel for the parties.

2. The argument in this application proceeds on the assumption that Suit No.1084/1984 has been disposed of and the Court Receiver, while being discharged, should restore possession of Stall No.2 which was originally occupied by the applicant.

3. There is nothing on record nor it is brought to my notice that the suit has been disposed of. The Court Receiver has been appointed during the pendency of the suit. As the suit is still pending

the Court Receiver will continue to remain in possession of the disputed premises and comply with the directions of the court given from time to time.

4. In so far as prayer for de-sealing of stall NO.2 pressed into service by the applicant is concerned, I see no reason to differ from the view taken by Justice Kamdar in his order dated 6th June 2005. In para-2 of the said order it is observed that it is not possible to pass any order of de-sealing of the premise at this stage. The position has not been altered in any manner so far.

5. Accordingly this application should fail. The same is rejected.

6. The sealing order to continue till further orders.

(A.M.KHANWILKAR, J.)